

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA,
Plaintiff

v.

KYLE ADAM HALEY,
Defendant

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W-18-CR-00218-ADA

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of the United States Magistrate Judge Jeffrey C. Manske, (ECF No. 97). The report recommends that this Court revoke Defendant’s supervised release and remand the Defendant to the custody of the U.S. Marshal for eighteen months, with no term of supervised release to follow. The report and recommendation was filed on August 13, 2020.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the Report and Recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party’s failure to timely file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglas v. United Service Auto Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (*en banc*). In this case, Defendant timely filed an objection to the Report and Recommendation on August 19, 2020, to which Plaintiff timely responded on August 25, 2020. ECF Nos. 98 and 99.

Considering Defendant's objection and Plaintiff's response, the Court has undertaken a *de novo* review of the case file in this action. The Court, having reviewed the Magistrate Judge's findings and conclusions and finding no error, will accept and adopt the Report and Recommendation for the reasons stated therein. Because of Defendant's apparent condition, the Court recommends the defendant be afforded the maximum residential drug treatment available while he is incarcerated in the United States Bureau of Prisons. It is therefore **ORDERED** that Defendant's objection to the Report and Recommendation of the United States Magistrate Judge is **OVERRULED**. It is **FURTHER ORDERED** that the Report and Recommendation of the United States Magistrate Judge filed in in this case is **ACCEPTED AND ADOPTED** by the Court. It is **FURTHER ORDERED** that the defendant be afforded the maximum residential drug treatment available while he is incarcerated in the United States Bureau of Prisons. Final Judgment will be issued in a separate Order.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, (ECF No. 97), is **ADOPTED**.

SIGNED this 3rd day of December, 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE